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February 9, 2021

Hon. John P. Cronan
United States District Court
Southern District of New York
500 Pearl Street, Room 1320
New York, NY 10007

Re: *Chad Lindsey Moshell v. Sasol Ltd., et al.*, Case 1:20-CV-01008 (JPC) (S.D.N.Y.)

Dear Judge Cronan:

We write on behalf of Defendants Sasol Limited, David Edward Constable, Bongani Nqwababa, Stephen Cornell, Paul Victor, and Stephan Schoeman (collectively, “Defendants”) in the above-referenced action. Defendants respectfully request leave, under Rule 4(B) of this Court’s Individual Rules and Practices in Civil Cases (the “Individual Rules”), to file under seal Defendants’ Reply Memorandum in Support of Defendants’ Motion for Reconsideration of the Court’s August 24, 2020 Memorandum Order and Motion for Sanctions (“Reply Brief” in support of the “Motions”) and to publicly file a redacted form thereof.

The redacted material in the Reply Brief includes quotations from documents previously filed in connection with Defendants’ Supplemental Memorandum in Support of Defendants’ Motion for Reconsideration of the Court’s August 24, 2020 Memorandum Order and Motion for Sanctions [ECF No. 114]. The Court previously granted Defendants’ request to file those documents under seal. [See ECF Nos. 121, 125.] Specifically, the Reply Brief quotes from the already-sealed exhibits and transcripts revealing the Confidential Witnesses’ identities. In the January 6, 2021 Order (“Order”) [ECF No. 121 at 4] sealing these materials, the Court found “that the Confidential Witness’ privacy interests outweigh the presumption of public access to the information contained in the limited proposed redactions.” [*Id.*; see also ECF No. 125 at 3 (“[T]he Court finds that CW-4’s privacy interests outweigh the presumption of public access to the information contained in the proposed sealed document.”).] Additionally, the Reply Brief quotes from already-sealed documents reflecting “the mental impressions, strategy, and opinions of Plaintiff’s counsel and private investigator.” [ECF No. 121 at 4.] With regard to these documents, the Court’s Order held that “Plaintiff’s interests in limiting the dissemination of confidential material outweigh the presumption of public access to the information contained in the proposed sealed documents.” [*Id.*]

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Accordingly, in continued compliance with the Court's previous orders, and with *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110 (2d Cir. 2006) and other authorities, Defendants respectfully request that they be permitted to file the Reply Brief under seal and to file a public version of the Reply Brief redacting information quoted from the exhibits this Court previously ordered sealed.

Respectfully submitted,

/s/ Jonathan D. Polkes

Jonathan D. Polkes

cc: All counsel of record (by ECF)

Defendants' proposed redactions are citations to documents previously sealed or redacted. Accordingly, Defendants' request is granted.

SO ORDERED.

Date: February 12, 2021

New York, New York

A handwritten signature in black ink, appearing to read "John P. Cronan", written over a horizontal line.

JOHN P. CRONAN
United States District Judge